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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,672	07/25/2003	Daisuke Sakiyama	032567-019	1827
7590 BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			EXAMINER GARCIA, GABRIEL I	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/26/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,672

Applicant(s)

SAKIYAMA ET AL.

Examiner

GABRIEL I. GARCIA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 and 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 31 is/are rejected.
- 7) ☐ Claim(s) 4-8, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB008)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Part III DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima (6,381,031) in view of Dye et al. (6,208,273).

Regarding claim 1, Mishima discloses a data processing apparatus, comprising: one or a plurality of input portions; (Fig. 6, items 9, 10 - CCD and image processor) one or a plurality of output portions; (Fig. 6, item 200 - printer) a plurality of compressing/expanding devices which compress data-to-be-outputted included in a job inputted from any one of said input portions (column 5, lines 1-14 -image data is compressed to code data) and expand the compressed data-to-be-outputted; (column 5, lines 15-23 - code data is expanded to image data and sent through the output buffer to the printer) . It does not explicitly disclose" a job discrimination portion which discriminates whether the job inputted from any one of said input portions is not required to be outputted without delay; "

However, column 1, lines 14-20 - discloses that the image data read in is compressed and stored. Then, when it is requested, the compressed data is expanded. Also in column 5, lines 37-39, Mishima discloses that when image data are only stored, the all the processors are set for compression. The only storing is analogous to a job that is not required to be outputted without delay. Basically image data of the job is stored and held until is it needed to be expanded and printed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have had a decision whether a job is to be outputted without delay.

The motivation would have been to efficiently use the compression/expansion devices as Mishima is trying to do above.

Therefore, it would have been obvious to improve Mishima to obtain the invention as specified.

Mishima further discloses a controller which controls operation assignment of said plurality of compressing/expanding devices depending on a discrimination result of said job discrimination portion and activates assigned compressing/expanding devices for the job. (Column 5, lines 25-54 - the CPU is the control that sets whether each compression/expansion processor is to compress or expand depending on the amount of data to be inputted to the memory unit 13 or read out of it.)

Mishima fails to explicitly teach the input portions for inputting a job having a data structure and discriminating the compression/decompression from the data structure of the job.

However, Dye et al. (in the same field of endeavor "data processing using multiple compression devices") teaches that it is well known in the art at the time of the invention to provide a data processing apparatus having multiple compression devices with the input portions for inputting a job having a data structure and discriminating the compression/decompression from the data structure of the job, also Dye et al. also suggests that the input data can be output without delay (e.g. col. 4, lines 57-67, the data can be processed by different compression device or without delay by using no compression).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the use of the data structure (or type of data being used) as taught by Dye et al. into the data processing system of Mishima, in order to allow the

system of Mishima to process data using input data having different data structures (or data types), hereby improving the versatility of the system of Mishima.

Regarding claim 31, Mishima inherently teaches the delay comprises a user initiated delay (reads on user interface as described in claims 4 and 5, which allow s the user to change operation to process the job by further processing).

2. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima (U.S. Patent No. 6,381,031) and Dye et al. (6,208,273), in view of to claim 1 above, and in further view of Nomura (U.S. PG Pub. No. 2001/0048823)

Regarding claim 2, the combination of Mishima and Dye et al. disclose the plurality of compression expansion devices for efficiently processing image data. It does not explicitly disclose the type of job and hence not "wherein said any one of output portions is a printer portion, and wherein the job not required to be outputted without delay is a store print job including a confidential print job and an initially-conduct-first-set-of-print job."

However, Nomura disclose in P[0077] that a job can be a confidential job. In P[0085] it discloses that the job can be a print test job in which a single copy is printed prior to printing all of the job. (this is what the initially-conduct-first-set-of-print job does.) Mishima and Nomura are combinable because both are in the art of forming images. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have performed particular jobs in the Mishima invention. The motivation would have been to improve Mishima's invention by allowing it to process more types of jobs.

Therefore, it would have been obvious to combine Mishima and Nomura to obtain the invention as specified.

Regarding claim 3, the secondary reference, Nomura, discloses wherein said

any one of output portions is a printer portion, and wherein the job not required to be outputted without delay is a facsimile-receive job or an internet-facsimile- receive job to be inputted from outside. (P{0077}) .

Conclusion

3. Claims 4-8,25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach the limitations as described in claims 4-8,25 and 26, in combination with the features of the independent claim 1.

4. Applicant's arguments with respect to claims 1-3 and 31 have been considered but are moot in view of the new ground(s) of rejection.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rumph et al. (6,327,043) teaches an object optimized printing system and method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is 571-272-7434. The examiner can normally be reached on M-Th 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

Gabriel I. Garcia

Primary Examiner

April 21, 2009

